

CENTRAL DEC 08 1995

ORDINANCE NO. 95- 44

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED, AMENDING THE TEXT OF THE INTRODUCTION/ADMINISTRATION, LAND USE, TRAFFIC CIRCULATION, AND CAPITAL IMPROVEMENT ELEMENTS OF THE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on March 24 and March 31, 1995, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on May 16 and May 24, 1995, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, Palm Beach County received on August 30, 1995, the
2 Department of Community Affairs "Objections, Recommendations, and
3 Comments Report" dated August 25, 1995, which was the Department's
4 written review of the proposed Comprehensive Plan amendments; and

5 **WHEREAS**, on September 22, 1995, the Palm Beach County Local
6 Planning Agency held a public meeting to review the written
7 comments submitted by the Department of Community Affairs, the
8 Planning Division's response to the written comments, and to make
9 recommendations regarding adoption of the Comprehensive Plan
10 amendments; and

11 **WHEREAS**, on November 7, 1995, the Palm Beach County Board of
12 County Commissioners held a public hearing to review the written
13 comments submitted by the Department of Community Affairs and to
14 consider adoption of the amendments; and

15 **WHEREAS**, the Palm Beach County Board of County Commissioners
16 has determined that the amendments as modified satisfy the concerns
17 addressed in the Department of Community Affairs' "Objections,
18 Recommendations and Comments Report" and comply with all
19 requirements of the Local Government Comprehensive Planning and
20 Land Development Regulations Act.

21 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
22 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

23 **Part I. Amendments to the Text of the 1989 Comprehensive Plan**

24 Amendments to the text of the Introduction/Administration,
25 Land Use, Traffic Circulation, and Capital Improvement elements of
26 the Palm Beach County 1989 Comprehensive Plan are hereby adopted
27 and are attached to this Ordinance in Exhibit 1.

1 **Part II. Repeal of Laws in Conflict**

2 All local laws and ordinances applying to the unincorporated
3 area of Palm Beach County in conflict with any provision of this
4 ordinance are hereby repealed to the extent of such conflict.

5 **Part III. Severability**

6 If any section, paragraph, sentence, clause, phrase, or word
7 of this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not
9 affect the remainder of this Ordinance.

10 **Part IV. Inclusion in the Code of Laws and Ordinances**

11 The provision of this Ordinance shall become and be made a
12 part of the code of laws and ordinances of Palm Beach County,
13 Florida. The Sections of the Ordinance may be renumbered or
14 relettered to accomplish such, and the word "ordinance" may be
15 changed to "section," "article," or any other appropriate word.

16 **Part V. Effective Date**

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184, Florida Statutes, whichever
21 occurs earlier. No development orders, development permits, or
22 land uses dependent on this amendment may be issued or commence
23 before it has become effective. If a final order of noncompliance
24 is issued by the Administration Commission, this amendment may
25 nevertheless be made effective by adoption of a resolution
26 affirming its effective status, a copy of which resolutions shall
27 be sent to the Department of Community Affairs, Bureau of Local
28 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, on the 7th day of November, 1995.

ATTEST:
DOROTHY H. WILKEN, Clerk

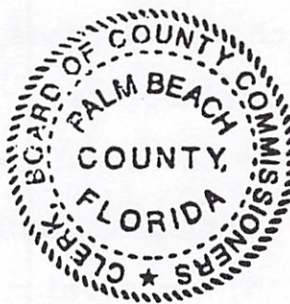
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Deputy Clerk

By _____ Chair _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

COUNTY ATTORNEY



Filed with the Department of State on the 15th day
of November, 1995.

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EXHIBIT 1

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A. LAND USE AND TRAFFIC CIRCULATION ELEMENTS, ASSURANCES OF AFFORDABILITY

LOCATION: Page 17-LU, Land Use Element

CHANGE: Revise the time period for assurance that very-low- and low-income dwelling units remain affordable.

TO: Policy 7-a

To facilitate affordable housing, the development of such proposals will not require County Land Use Plan amendments to increase the density higher than the Land Use Plan category, provided the development:

- Is consistent with programs and studies required by Policies 2-g and 2-I of the Housing Element;
- Satisfies all required concurrency provisions in the Concurrency Management section of the Capital Improvement Element; and
- ~~Provide~~ Includes appropriate legal assurances that the project shall be occupied only by very-low- and low-income families for a given period of time specified by the County at least 10 years for a for-sale development or at least 15 years for a rental development.

LOCATION: Page 11-TC, Traffic Circulation Element

CHANGE: Change Policy 4-j to make the assurance requirement for all affordable housing projects approved under the VDBP and/or the Special Methodologies process consistent.

TO: Policy 4-j

The developer must ensure the continued availability of low and very low income housing units for not less than 10 years for for-sale developments and no less than 15 years for rental developments. (p 11-TC).

B. INTRODUCTION/ADMINISTRATION ELEMENT, MONITORING AND EVALUATION

LOCATION: Pages 11-16 of the INTRODUCTION/ADMINISTRATION Element, under the titles, "MONITORING AND EVALUATION" and "PROCEDURE FOR EVALUATION AND APPRAISAL REPORT IN COMPLIANCE WITH SECTION 9J-5.005 (7)." ."

CHANGE: Amend headings and text of subsections (A) through (G), and add subsections (H) through (K) to address new requirements of the State legislation and rule.

TO: (changes indicated in struck-through and underlined text)

MONITORING AND EVALUATION

~~Rule 9J-5 requires that each comprehensive plan establish a system for evaluating and appraising the implementation of the plan.~~

~~As part of this system, an annual report shall be prepared by the Department of Planning, Zoning and Building and presented to the LPA summarizing all amendments to the Plan that have taken place within that one year, as well as their effect on the County's ability to meet the Goals, Objectives and Policies set forth in the Plan. Additionally, this system shall include five-year monitoring, updating and evaluation procedures.~~

PROCEDURE FOR EVALUATION AND APPRAISAL REPORT IN COMPLIANCE WITH SECTION 9J-5.005 (7)

(A) Citizen participation

~~This portion of the Comprehensive Plan will outline the evaluation, updating and monitoring procedures that are required to comply with the laws of the State of Florida. Each local government in Florida is required to prepare, adopt and submit an Evaluation and Appraisal Report (EAR) of its comprehensive plan within either seven or twelve years of plan adoption, depending on population, and to prepare subsequent EARs in five or ten year cycles, respectively. The Local Planning Agency for Palm Beach County shall transmit its first Evaluation and Appraisal Report (EAR) process shall begin at the end of the fourth year from the adoption of for the 1989 Comprehensive Plan to the Board of County Commissioners and the Florida Department of Community Affairs no later than March 1, 1996, and Board of County Commissioners shall adopt the EAR no later than June 1, 1996. This portion of the Comprehensive Plan will outline the general procedures to be followed in preparing the EAR in compliance with the laws of the State of Florida.~~

K-6

~~Specifically.~~

~~Chapter 163.3191 Florida Statutes states that "The planning program shall be a continuous and ongoing process. The local planning agency shall prepare periodic reports on the comprehensive plan, which shall be sent to the governing body and to the state land planning agency at least once every 5 years after the adoption of the comprehensive plan."~~

~~Section 9J-5.0055 Florida Administrative Code states that each plan shall contain a section identifying five-year monitoring, updating and evaluation procedures to be followed in the preparation of the required five-year evaluation and appraisal reports ". In addition, "That section shall address:~~

- ~~— (A) Citizen Participation in the process;~~
- ~~— (B) Updating appropriate baseline data and measurable objectives to be accomplished in the first five-year period of the plan, and for the long term period;~~
- ~~— (C) Accomplishments in the first five-year period, describing the degrees to which the goals, objectives and policies have been successfully reached;~~
- ~~— (D) Obstacles or problems which resulted in an under achievement of goals, objectives or policies;~~
- ~~— (E) New or modified goals, objectives or policies needed to correct discovered problems; and,~~
- ~~— (F) A means of ensuring continuous monitoring and evaluation of the plan during the five-year period.~~

(A) Citizen participation

This portion of the required EAR procedure shall duplicate the procedure used to obtain citizen input into the Plan itself, with changes to address changes in the local situation since Plan adoption. Public participation in the preparation and adoption of the 1989 Comprehensive Plan included citizen advisory committees to review and comment on elements, citizen information and input meetings, Board of County Commissioners Roundtable discussions, and public hearings prior to Plan adoption.

Since Plan adoption, the Land Use Advisory Board has been designated the Local Planning Agency by the Board of County Commissioners, and can serve the function of a citizen advisory committee. The citizen participation procedure for the EAR to be adopted in 1996 shall, therefore, include the following:

- o Oversight committees for each element, consisting of interested citizens, existing advisory boards, and agency and departmental representatives. A Citizen Advisory Committee (CAC) to review and comment on staff-generated EAR drafts assessments, and reports from Planning Division and operating implementing department/agency staff.
- ~~o Citizen Information and Input meetings~~
- o The Local Planning Agency, acting as a citizen advisory committee, to review and coordinate the EAR for all elements at publicly noticed meetings.
- o A BCC Roundtable, held prior to the Citizen Input Meetings, should be used workshop to inform the Board of the findings of the EAR at that point at which time Planning Division and operating implementing department/agency staff shall present reports.
- o A public hearing by the Local Planning Agency at transmittal of the EAR to the Board of County Commissioners and to the Florida Department of Community Affairs; and
- o A public hearing of the BCC, prior to at adoption of the EAR.

Each portion of the EAR that is prepared in response to the EAR requirements, listed below, will undergo public review through the process outlined above. The public participation procedures will be described and documented for inclusion in the EAR.

The CAC may consist either of the existing "7th committee" presently reviewing the Capital Improvements Program of the Comprehensive Plan, or an EAR committee specifically appointed for this process.

As the CAC committees were set up to sunset after plan submission, action by the BCC will be required in either case.

(B) Updating baseline data and measurable objectives

Section 9J-5.005(7)(b) requires the EAR to address updating of appropriate baseline data and measurable objectives for the five year, and longer-term period.

This portion of the required EAR procedure consists of the following:

The County shall accomplish this task in accordance with the requirements of Section 9J-5.005(7)(b); the general procedure is as

follows:

1. Prepare new existing conditions maps, including land use, traffic circulation, and natural resources maps, as of the date of the EAR, consistent with the requirements of Rule 9J-5.006(1) F.A.C.

~~Updating of baseline land use information shall be accomplished by computerizing existing land use and environmental features data, in such a form that additional growth can be added to the database as development is approved. Land use and environmental features data will also be automated in a form that enables a reviewer to obtain information on a particular site. (Existing land use, environmentally sensitive features, adjacent land uses, existing zoning, access to public facilities and services, and other features, will be available through this database.) The database will thus be available both for the purpose of updating the plan, and for reviewing a proposed development for potential impacts, concurrency, and the like. Coordination with other agencies will be sought in building the database. Updated information on public services and facilities, will be added to the database as available, and interagency and interdepartmental coordination will assure use of the most up-to-date information. The location of this database, parties responsible for assembling it, equipment to be used, and parties responsible for maintaining it, shall be determined by the Director of the Planning, Zoning, and Building Department, in concert with the County Administrator and Board of County Commissioner and in coordination with other involved agencies and departments.~~

2. Update the baseline conditions as described in the adopted Comprehensive Plan.

~~Updating of baseline Data on the availability of public services and facilities shall be accomplished through the Capacity and Concurrency Management System established as a part of Land Development Regulations.~~

3. ~~Update of five-year and long-term measurable objectives shall be accomplished by analyzing provider reports to determine which five-year objectives have been accomplished, or what percentage of each objective has been accomplished, and modifying the objective(s) accordingly. After the first five-year EAR has been completed, long-term objectives shall be re-evaluated, and relevant long-term objectives shall be reclassified as five-year objectives.~~

- © ~~Addressing a Accomplishments in the first five-year seven-year~~

reporting period, describing the degree to which the Goals, Objectives and Policies have been successfully reached (Referring to requirements of Section 163.3191 (2)).

~~Section 9J-5.005(7)(c) requires the EAR to address the foregoing. The procedure to comply with this portion of EAR requirements is as follows:~~

The County shall accomplish this task in accordance with the requirements of Section 9J-5.005(7)(c); the general procedure is as follows:

1. Review provider implementing department/agency reports and ~~updates of measurable objectives. Request any additional data needed from providers regarding accomplishments the degree to which the Goals, Objectives and Policies have been successfully reached.~~
 2. ~~Analyze data.~~
 3. Prepare draft portion of EAR report form dealing with completion of objectives and policies for review by ~~CAC, Board roundtable if scheduled, and presentation to Citizen input meeting.~~
 4. ~~Following citizen input, complete draft portion of EAR report dealing with completion of objectives and policies for Board hearing, including material proposed to be added by citizen input in interlineated form.~~
 5. ~~Following Board hearing and adoption, prepare final portion of EAR report detailing the status of the goals, objectives and policies found in the Comprehensive Plan. Upon adoption by the BCC, the EAR will be transmitted to the Florida Department of Community Affairs (DCA) for review and comment.~~
- (D) ~~Addressing obstacles or problems which resulted in under-achievement of goals, objectives, or policies. (Referring to Section 163.3191 (2), F.S.)~~

The County shall accomplish this task in accordance with the requirements procedure to comply with this requirement of Section 9J-5.005(7)(d); the general procedure is as follows:

1. Review reports from providers implementing departments/agencies to identify underachieved five-year objectives and policies.
2. Request information from providers implementing departments/agencies regarding obstacles, problems, or changed

conditions leading to underachievement of objectives and policies.

3. ~~Prepare draft report, for review by CAC, Board roundtable if scheduled, and Citizen Input meetings. Report shall include information on any major problems of development, physical deterioration, and the location of land uses and the social and economic effects of such uses in the area, as well as the condition of each Plan element at time of adoption and at date of report. Report shall also summarize actual results of objectives at date of report. (Per Section 163.3191 (2) (a) (b) (c), F.S.)~~
 4. ~~Prepare draft section of EAR report dealing with obstacles to achievement, submit to Board for hearing with language added by citizen input in interlineated form.~~
 5. ~~Prepare final portion incorporating Board input.~~
- (E) Addressing nNew or modified Goals, Objectives and Policies needed to correct discovered problems.

The County shall accomplish this task in accordance with the requirements procedure to comply with this requirement of Section 9J-5.005 (7) (e); the general procedure is as follows:

1. ~~Review reports undertaken in compliance with Comprehensive Plan objectives and policies calling for studies to be undertaken to define needs, review any additional special area studies to define new needs, analyze data, draw conclusions.~~
2. ~~Request information from service providers on any new conditions and demands observed. (The extent to which unforeseen problems and opportunities occurred between date of adoption and date of report, per Section 163.3191(2) (d), F.S.)~~
3. Review updated baseline data, and accomplishments and problems in achievement of plan goals, objectives, or policies, and prepare an assessment, to be considered in conjunction with the other assessments and reports required in the EAR when identifying the actions that need to be taken to address the planning issues raised in the EAR, per Section (J) below. Draft new and/or modified goals, objectives, and policies for review by CAC, Board roundtable, Citizen Input meetings.
4. ~~Following citizen input, present new Goals, Objectives and Policies to Board for hearing, with proposed citizen input additions interlineated.~~
5. ~~Following hearing, complete a final draft of the EAR report~~

~~dealing with new or modified goals, objectives and policies.~~

- (F) ~~Address a~~ means of ensuring continuous monitoring and evaluation of the Plan during the five year period.

This portion of the 9J-5.005(7)(f) requirements shall be complied with by the transmittal of Annual Reports on the status of the Comprehensive Plan to the BCC by ~~December 31~~. The general procedure is outlined below:

1. ~~Requesting from affected agencies and departments appropriate new data and information concerning the status of their assigned work tasks, objectives achieved, in order to update baseline data (point (B) above) on an annual basis.~~
2. ~~Provide draft Annual Reports to providers for their review prior to presentation to the BCC.~~
3. ~~When providers have signed off on reports dealing with baseline data, obstacles to achieving objectives, objectives achieved, and newly revised or proposed Goals, Objectives and Policies.~~

Provide Annual Reports to BCC by December 31, commencing in 1998.

- (G) The extent to which unanticipated and unforeseen problems and opportunities occurred between the date of adoption and the date of the report.

The County shall accomplish this task in accordance with the requirements of Section 9J-5.005 (7)(g); the general procedure is as follows:

1. Describe problems and opportunities identified in the citizen participation process for each element.
2. Prepare an assessment, to be considered in conjunction with the other assessments and reports required in the EAR when identifying the actions that need to be taken to address the planning issues raised in the EAR, per Section (J) below.

- (H) The effect on the Comprehensive Plan of changes to Chapter 187, F.S., the State Comprehensive Plan, Chapter 163, Pt. II, F.S.; the minimum criteria contained in Chapter 9J-5, F.A.C.; and the Treasure Coast Regional Planning Council Strategic Regional Policy Plan.

The County shall accomplish this task in accordance with the requirements of Section 9J-5.005 (7)(h); the general procedure is

as follows:

1. Identify changes made to Chapter 187, F.S., the State Comprehensive Plan, Chapter 163, Pt. II, F.S.; and the minimum criteria contained in Chapter 9J-5, F.A.C.; and the Treasure Coast Regional Planning Council Strategic Regional Policy Plan.
 2. Prepare an assessment of the changes necessary for consistency, to be considered in conjunction with the other assessments and reports required in the EAR when identifying the actions that need to be taken to address the planning issues raised in the EAR, per Section (J) below.
- (I) The major problems of development, physical deterioration, and the location of land uses and the social and economic effects of the major problems identified.

The County shall accomplish this task in accordance with the requirements of Section 9J-5.005 (7) (I); the general procedure is as follows:

1. Prepare an evaluation of the major problems of development experienced since adoption of the Comprehensive Plan.
 2. Assess the social and economic effects of recent development trends and the major problems identified in the EAR.
 3. Compile the results of all assessments prepared pursuant to this section for consideration in conjunction with the other assessments and reports required in the EAR when identifying the actions that need to be taken to address the planning issues raised in the EAR, per Section (J) below.
- (J) The identification of any actions that are taken or needed to be taken to address the planning issues identified in the report.

The County shall accomplish this task in accordance with the requirements of Section 9J-5.005 (7) (j); the general requirement is as follows:

1. Consider all of the assessments and reports prepared pursuant to the EAR preparation procedures, and draft proposed new and revised goals, objectives, and policies to address the issues raised in the EAR.
2. Evaluate the need to update future conditions maps, to be consistent with revised population projections and other findings of the EAR.

3. Evaluate the need to revise the Capital Improvements Element based on the findings in the EAR.
4. Identify other actions, such as monitoring or studies to be completed, to address the issues raised in the EAR for which data and detailed analyses are not available.
- (K) Proposed or anticipated Plan amendments necessary to address or implement the identified changes."

The County shall accomplish this task in accordance with the requirements of Section 9J-5.005 (7)(k); the general procedure is as follows:

1. Identify proposed Plan amendments based on the findings in the EAR.
2. Develop a schedule for transmittal and adoption of the identified Plan amendments within one year after adoption of the EAR.
- ~~(3) The report shall also suggest any changes needed to update the comprehensive plan, or elements or portions thereof, including reformulated objectives, policies, and standards, and any other matters not otherwise addressed in the foregoing points. (Per Section 163.3191 (3)). The Board of County Commissioners shall adopt, or adopt with changes, per Section 163, and amend the plan accordingly.~~

C. TRAFFIC CIRCULATION ELEMENT, ROADWAY ACCESS POINTS

LOCATION: Page 3-TC, Traffic Circulation Element

CHANGE: TCE Policy 1-b is amended to add the underlined text and to delete the ~~struck-through~~ text:

Policy 1-b: New access along existing arterials and collectors shall be controlled and limited in order to increase safety margins, traffic capacity, and traffic flow; and shall be consistent with existing County standards; and shall consider impacts on adjacent neighborhoods.

D. TRAFFIC CIRCULATION ELEMENT, ELMHURST ROAD/WESTGATE AVENUE

LOCATION: Page 19-TC, Traffic Circulation Element

CHANGE: Traffic Circulation Element Objective 10, Transportation Corridors, is amended to add Policy 10-f, with the additions shown in an underlined format:

Policy 10-f: By December 1996, the County Engineer shall complete a study re-examining the feasibility of extending Elmhurst Road from its present terminus just west of Haverhill Road to Jog Road.

E. INTRODUCTION/ADMINISTRATION AND TRAFFIC CIRCULATION ELEMENTS, SPECIAL PART-TIME DEMAND

LOCATION: Page 39-IA, Introduction/Administration Element

CHANGE: The Definitions Section of the Introduction and Administration Element, is amended to add the following new term, with the additions shown in an underline format:

SPECIAL PART-TIME DEMAND - A development that does not have more than two-hundred (200) scheduled events during any calendar year and does not affect the 100 highest traffic volume hours. An event that is scheduled on multiple days shall be considered multiple events.

LOCATION: Page 15-TC, Traffic Circulation Element

CHANGE: A new policy is added to TCE Objective 4 with the additions shown in an underline format:

Policy 4-o: Notwithstanding the requirements of Policy 4-b of this Element, developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas which pose only special part-time demands on the transportation system shall be excepted from the transportation concurrency requirements. The Unified Land Development Code (ULDC) shall be amended to provide:

1. Language enabling the above described exception; and
2. Guidelines for granting the special part-time demand exception from the transportation concurrency requirements. The guidelines shall include the impacts

to the Florida Intrastate Highway System, and the following other guidelines shall, at a minimum, be considered:

- a. The number of trips generated by the development and the modal split;
- b. When (months and time of day) the events are scheduled;
- c. The location of the development;
- d. The type of development (e.g., public or private);
- e. The economic and financial benefits of the development to the community;
- f. Development order conditions, including those designed to minimize use of single-occupancy vehicles (i.e., transportation demand management strategies);
- g. Limiting the geographic area where the exception shall apply;
- h. Whether it is new development or an expansion of existing development; and
- I. Monitoring and enforcement provisions.

The County shall seek input from the Florida Department of Transportation, District IV, the Metropolitan Planning Organization, and the Gold Coast Commuter Services during the adoption process for the ULDC amendments.

F. TRAFFIC CIRCULATION ELEMENT, 110 PERCENT EXCEPTION

LOCATION: Page 15-TC, Traffic Circulation Element

CHANGE: TCE Policy 4-p is created, with the additions shown in an underline format:

Policy 4-p: The Unified Land Development Code (ULDC) shall be amended to provide that for the purposes of issuing a development order or permit, a proposed urban redevelopment project located within the County's existing Urban Service Area shall not be subject to the transportation concurrency

requirements of the County's Comprehensive Plan for up to 110 percent of the transportation impact generated by the previously existing development. In preparing the ULDC amendments to implement this policy, the following issues, at a minimum, shall be addressed:

1. The Policy's Scope. Consideration shall be given to further limiting the geographic areas (such as coastal high hazard areas) where this provision shall apply and the buildings, structures or resources that may be impacted; and

2. Other Implementation Issues. For purposes of this Policy, a previously existing development is the actual previous use which was occupied and active within the preceding five years. Consideration shall be given to:

a. Reassessment of the five-year time period;

b. The documentation needed to establish the actual previous uses was "occupied" and "active"; and

c. The guidelines to be used for determining the transportation impact generated by the previous existing development when there was more than one actual previous uses within the identified time period; and

d. Any other relevant and appropriate issues.

G. TRAFFIC CIRCULATION ELEMENT, TCMAs

LOCATION: Pages 19-TC through 28-TC, Traffic Circulation Element

CHANGE: TCE Objectives 12 through 17, and their implementing policies are deleted in their entirety. TCE Objective 12 and its implementing policies are created with the additions shown in an underline format and deletions shown in a ~~strike-through~~ format:

OBJECTIVE 12 TRANSPORTATION CONCURRENCY MANAGEMENT AREAS

Prior to July 1996, the Palm Beach County Board of County Commissioners shall amend the Unified Land Development Code (ULDC) to allow for the designation of Transportation Concurrency Management Areas (TCMAs) within Palm Beach County consistent with the requirements of Rule 9J-5.0055(5), F.A.C.

Policy 12-a: The ULDC shall be amended to provide a procedure for the designation of TCMA's. The procedure, at a minimum, shall provide that:

1. At least 30 days prior to transmittal of a local government Comprehensive Plan amendment designating a TCMA, the initiating local government shall schedule and hold a Pre-application Conference to address:

a. Whether the TCMA is compatible with and furthers the various portions and elements of the County's Comprehensive Plan;

b. The data and analysis to support the size and boundaries of each TCMA;

c. Whether the TCMA contains an integrated and connected network of roads and whether provision is made for multiple, viable alternative travel paths or modes for common trips;

d. The requested areawide level of service standard and whether the existing and projected transportation service and facility requirements will support the requested areawide level of service standard. The areawide level of service standard shall only be established for facilities with similar functions serving common origins and destinations;

e. Whether the requested areawide level of service standard and the other transportation services and programs will support infill development or redevelopment;

f. Whether the planned roadway improvements and other services and programs will accomplish mobility within and through each TCMA;

g. Whether the TCMA transcends municipal boundaries and, if so, the impacts to the affected jurisdiction; and

h. Changes needed to the initiating local government's capital improvement element in order to meet and maintain the areawide level of service standard.

The Pre-Application Conference procedures shall provide for representatives from the local government initiating

the Comprehensive Plan amendment, the County Traffic Division and Planning Division, the Metropolitan Planning Organization, the Florida Department of Transportation, District IV, and the Treasure Coast Regional Planning Council.

2. Another conference shall be held with the representatives identified above with 30 days of receipt by the initiating local government of the state planning agency's Objections, Recommendations and Comments Report.

3. A TCMA shall not become effective until:

a. The Board of County Commissioners finds the designation of the TCMA is consistent with the County's Comprehensive Plan, finds the areawide level of service standard is appropriate and can be maintained, and adopts an amendment to the County's Comprehensive Plan establishing the TCMA;

b. A final order is issued by the Department of Community Affairs or Administration Commission finding the amendment or amendments establishing the TCEA in compliance in accordance with Section 163.3184, Florida Statutes; and

c. The ULDC is amended to provide for the adopted areawide level of service standard.

Policy 12-b: The ULDC shall be amended to provide that for each local government with an effective TCMA, the local government shall provide an Annual Report demonstrating that the areawide level of service standard is being maintained. The Annual Report shall be submitted to the Planning Division no later than March 31. If the Annual Report shows the local government can not maintain the areawide level of service standard, the BCC shall have the authority to repeal the ULDC TCMA provisions for the affected TCMA.

LOCATION: Page 58-TC, Traffic Circulation Element

CHANGE: TCE Part V. (Issues and Opportunities), Section I. (Transportation Concurrency Management Areas), is amended with the additions shown in an underline format and deletions shown in a ~~strike-through~~ format:

I. Transportation Concurrency Management Areas (TCMAs)

~~Policy 4-c of the Traffic Circulation Element of the adopted 1989~~

~~Comprehensive Plan allows for a process by which local governments could establish geographic areas of exception (GAEs) from approved levels of service. The purpose for designating GAEs is to provide for development or redevelopment of specific areas.~~

~~Currently, there are five applications for Geographic Areas of Exception within Palm Beach County. These are the Delray Beach, Riviera Beach, Westgate Homes, Palm Beach International Airport and the West Palm Beach Downtown Core projects.~~

~~In the Objections, Recommendations and Comments issued by the Department of Community Affairs, dated August 25, 1992, the Department recommended against the adoption of Traffic Circulation Element Policy 4-b which includes specific levels of service standards for Geographic Areas of Exception. The DCA included three overall objections to the policy based on the following:~~

- ~~* The LOS standards for GAEs are not compatible to the maximum extent feasible with FDOT standards for roads. In addition, there has not been coordination with FDOT over this issue.~~
- ~~* The proposed policy provides for an "Adopted LOS ADT" specific to roadway segments in relation to County approved GAEs and a "specific policy for GAEs allowing up to 110% of LOS E. This action would allow for LOS F, resulting in significant degradation of the State Highway System.~~
- ~~* The proposed plan amendment does not include adequate and appropriate data and analysis to support or justify these LOS standards.~~

~~The Department of Community Affairs recommended that Palm Beach County adopt the use of Transportation Concurrency Management Areas (TCMAS) to take the place of GAEs.~~

~~The intent of the amendments is to adopt a Transportation Mobility Element (TME) that will look at all transportation related issues in a more unified manner within a thirty-six month period following the adoption of these amendments. In addition, the adoption of the TME includes provisions for the adoption of interim Transportation Concurrency Management Areas which will provide for development options similar to current GAEs. The approval for interim TCMAs will be contingent with providing adequate information and justification for the TCMAs. It should also be noted that the designation of interim TCMAs will be conditioned on the adoption of the Transportation Mobility Element (TME) within thirty-six (36) months of the adoption of these amendments. If the TME is not timely adopted, the interim TCMA designations, and levels of service will revert back to the original standards.~~

Objective 12 of this Element enables the establishment of Transportation Concurrency Management Areas (TCMAs) within Palm Beach County. A TCMA is a compact, geographic area with existing or proposed multiple, viable alternative travel paths or modes for common trips. The purpose of a TCMA is to promote infill development or redevelopment within selected portions of an urban area in a manner that supports the provision of more efficient mobility alternatives. As a coordinated approach to land use and transportation development, it may employ the use of an areawide level of service standard and an accommodation and management of traffic congestion. In order for a local government to establish a TCMA, the specific requirements of the County's Unified Land Development Code, as well as the state requirements, must be met.

H. TRAFFIC CIRCULATION ELEMENT, THREE-YEAR GRACE

LOCATION: Page 15-TC, Traffic Circulation Element

CHANGE: T.C.E. Objective 4 is amended to add the following new policies with the additions shown in an underline format:

Policy 4-r: Notwithstanding any other provisions of this Comprehensive Plan, a local government may issue a development order or permit provided that:

1. Transportation facilities needed to serve new development are in place no more than three (3) years from the date of development order approval;
2. The transportation facilities and services needed to serve the development are identified in the local government's Capital Improvement Element or the first three-years of the adopted Florida Department of Transportation's Work Program;
3. The C.I.E. includes the following information for each affected roadway:
 - a. The estimated date of commencement of actual construction and the estimated date of project completion; and
 - b. A provision that a plan amendment is required to eliminate, defer, or delay the programmed construction of the road which is needed to maintain the adopted level of service standard; and.